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22 OCT 2007

In re Application of
McGee et al.
Application No.: 10/596,046
PCT No.: PCT/CH04/00719
Int. Filing Date: 30 November 2004
Priority Date: 02 December 2003
Attorney Docket No.: 102790-162-30108US
For: Apparatus For Emitting A Volatile
Liquid Into The Atmosphere

COMMUNICATION

This is in response to applicants' correspondence filed on 30 August 2007.

BACKGROUND

This international application was filed on 30 November 2004, claimed a priority date of 02 December 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 16 June 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 02 June 2006. On 26 May 2006, applicants filed *inter alia* the basic national fee.

On 27 February 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 30 March 2007, applicants filed *inter alia* a declaration of the inventors signed by Thomas McGee.

On 21 August 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating that the declaration filed on 30 March 2007 was defective because "2nd inventor Colin Brown didnt sign decl."

On 13 September 2007, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) to be 30 August 2007.

DISCUSSION

The correspondence filed on 30 August 2007 states in part:

As per our conversation please find attached the documents that were filed on June 26, 2007:

1. Communication Re: Filing of Declaration on a Date Later Than the Filing Date of the Application.

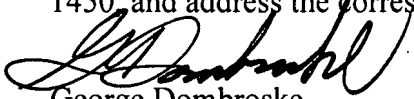
2. Executed Combination Oath, Declaration and Power of Attorney (6 sheets)
3. A copy of our fax confirmation.

This correspondence does not specifically state what relief, if any, is being requested, though it appears that applicants may wish the declaration filed on 30 August 2007 to be regarded as a copy of a declaration filed on an earlier date. However, inspection of the instant correspondence reveals that it has been signed by a "Legal Assistant" who does not appear to be a registered practitioner; thus, treatment of the correspondence as a petition would be improper. It is noted that the "Communication..." signed by Atty. Parfomak appears to be a copy of earlier-filed correspondence, and that it merely requests that correspondence be matched with the application file. Therefore, the 35 U.S.C. 371(c)(1), (2) and (4) date appearing on the Notice of Acceptance mailed on 13 September 2007 is proper. In the event that applicants feel a different date is correct, the filing of a proper petition would be appropriate.

DECISION

This application is being returned to Technology Center 3752.

Please direct any further correspondence with respect to the matter discussed *supra* to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the correspondence to the attention of the Office of PCT Legal Administration.



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